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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,999

10/12/2004

Pavel Koulik

APIT-7

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KRIEG DEVAULT LLP

ONE INDIANA SQUARE

SUITE 2800

INDIANAPOLIS, IN 46204-2079

EXAMINER

ARANCIBIA, MAUREEN GRAMAGLIA

ART UNIT

PAPER NUMBER

1763

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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31 DAYS

02/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/510,999	Applicant(s) KOULIK ET AL.	
	Examiner Maureen G. Arancibia	Art Unit 1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 19-36 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

2. The species are as follows:

Species A: a device wherein the power supply comprises a central current source comprising a high frequency current generator producing high frequency electric pulses controlled by signals sent to a gate of a triode, the high frequency pulses being sent in parallel to each plasma generator to produce, via the LC adapters, a discharge in the form of a network of filaments in each container. ("generators of the third type;" ex. Specification, Page 18, Lines 29-32 and Page 22, Line 21- Page 23, Line 16; Figure 13)

Species B: a device wherein the power supply system comprises a central high voltage bipolar direct current source supplying individual high speed and high voltage interrupter transistors of each plasma generator. (an embodiment of "generators of the second type;" ex. Specification, Page 18, Lines 25-27 and Page 20, Line 28 - Page 21, Line 9 ; Figure 10)

Species C: a device wherein the power supply system comprises a central high voltage unipolar direct current source supplying the generators, the generators being provided with bridges comprising two high speed and high voltage interrupter transistors adapted to create discharges in the form of a network of

filaments. (a different embodiment of “generators of the second type,” ex.

Specification, Page 18, Lines 25-27 and Page 21, Lines 11-12; Figure 9)

Species D: a device wherein the power supply system comprises a central high voltage direct current source supplying the plasma generators, the generators being provided with individual field transistor systems, each having a CR amplitude-phase circuit, with the signal being modulated by a computer, each of said individual field transistor systems supplying electricity for a discharge in the form of a network of filaments on the inner surface of the container to be treated. (“generators of the first type,” ex. Specification, Page 18, Lines 20-24 and Page 19, Line 10 - Page 20, Line 11 ; Figure 11)

3. Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

4. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

5. The claims are deemed to correspond to the species listed above in the following manner:

Species A: Claims 30 and 34

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Species B: Claim 31

Species C: Claim 32

Species D: Claim 33.

6. The following claim(s) are generic: Claims 19-29, 35, and 36.

7. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The features shared by Species A-D; i.e. the features of the device recited in independent Claim 19, on which the claims drawn to Species A-D all depend; are taught by the prior art. For example, WIPO Publication WO 01/80607 A1 to Merard et al., or alternatively its English language equivalent, U.S. Patent Application Publication 2004/0035838 to Merard et al. (to which this discussion will refer), each teach a device for treating the surface of containers 43 with a plasma, comprising a kinematic system (Figures 5 and 6) for the transport of the containers and a plurality of plasma generators 68 operating at atmospheric pressure (Paragraph 46), each generator adapted to treat one container at a time (Figure 6), the plasma generator comprising a treatment gas supply system (exposure to atmosphere; Paragraph 46) and an electrical power supply system (Figure 1) comprising at least an LC adapter (the circuit comprises transformers, which are inductive elements, and capacitors) adapted for supplying current in pulses. (Paragraphs 45-47) Also note that U.S. Patent 6,465,964 to Taguchi et al. teaches the desirability of using a transistor in a pulse generator for a plasma device, to develop an extremely sharp pulse having a narrow pulse width. (Column 4, Lines 1-32) There would thus be no inventive step in Claim 19, even if it were amended to positively recite that the electrical power supply system comprise at least one interrupter transistor, since this limitation would be rendered obvious in view of the teachings of Taguchi et al.

Species A-D further have the different special technical features enumerated above and disclosed in detail in the cited portions of the Specification. Thus, Species A-D do not relate to a single general inventive concept.

8. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

9. The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not

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distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

10. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

11. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maureen G. Arancibia whose telephone number is (571) 272-1219. The examiner can normally be reached on core hours of 10-5, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on (571) 272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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